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CODE OF DISCIPLINE



A PUBLICATION OF THE
BOSTON PUBLIC SCHOOLS

1970

In School Committee
February 17, 1970

ORDERED, That ten thousand (10,000) copies of a pamphlet entitled "Code of Discipline," as approved on this date, be printed forthwith and distributed to all teaching personnel in the Boston Public Schools.

Attest:

EDWARD J. WINTER

Secretary to School Committee

THE SCHOOL COMMITTEE OF THE CITY OF BOSTON

Joseph Lee, Chairman

John J. Craven, Jr., Atty.

John J. Kerrigan, Atty.

James W. Hennigan, Jr., Atty.

Paul R. Tierney, Atty.

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CODE OF DISCIPLINE

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CODE OF DISCIPLINE *

I. General responsibility and authority of school personnel

(1) The administrative head of a school is responsible for maintaining discipline on the school premises adequate to assure the safety of all persons and property in the school and the orderly conduct of the teacher-learning situation, and he has the authority to take all reasonable action to carry out this responsibility except insofar as such action is inconsistent with these regulations.

(2) The classroom teacher, with the assistance of the administrative head as needed, is responsible for maintaining discipline of students in the individual classrooms, and in other places when the students are under his supervision, and the teacher may take all reasonable action to carry out this responsibility except insofar as such action is inconsistent with these regulations.

(3) Other school personnel are responsible for maintaining discipline while students are under their supervision or in the vicinity in which such personnel are working on school premises, and they may take reasonable action to maintain discipline in carrying out this responsibility except insofar as such action is inconsistent with these regulations.

(4) The school may hold all pupils to account for their conduct on the way to and from school whenever such conduct is likely to have an adverse effect on the maintenance of discipline at the school.

(5) Whenever possible, school personnel shall attempt to obtain the cooperation of parents in solving disciplinary problems before they become acute.

(6) Before any major disciplinary measure under these regulations is imposed, school personnel shall provide the pupil involved with a reasonable opportunity to present

* All interpretations and applications of this document, "Code of Discipline," must be in conformance with the existing orders of the Federal Court and other provisions of law.

his version of the facts through his own statements and the statements of other witnesses he wishes to produce.

II. Specific authority of administrative heads of schools, teachers and other school personnel

(1) An administrative head, teacher, or other school employee may use reasonable and prudent force or restraint for the purpose of maintaining order, safeguarding the persons of pupils and school employees, or removing an offender. Without in any way limiting the foregoing, no school personnel may use physical force with a rattan or otherwise for the purpose of imposing punishment after a student has ceased engaging in misconduct.

(2) The administrative head of a school may temporarily exclude from a class at the written request of a teacher any child who infringes on the rights of other pupils by interfering with the orderly process of teaching and learning, or who endangers the physical or moral well-being of others. Under no circumstance shall a child be excluded to an unsupervised area.

(3) An administrative head or teacher may bring a disciplinary problem to the attention of a pupil's parent or guardian and may require attendance of such parent or guardian at a conference.

(4) An administrative head or a teacher may detain a pupil at the close of school for not more than one hour for disciplinary reasons.

(5) An administrative head may recommend a transfer of a pupil to another equivalent school or to special educational facilities in the school system whenever the student has engaged in criminal conduct, serious or repeated violation of school rules, disruption of classes, injury to others or intentionally placing others in fear of injury, malicious damage to the property of others or the use of profane or obscene language, and the pupil is a persistently detrimental influence to the conduct of the school. Such transfer may take place only in accordance with procedures in Section III.

(6) An administrative head may suspend a student in accordance with the procedures in Section III whenever the pupil has engaged in criminal conduct, serious or repeated violation of school rules, disruption of classes, injury to others or intentionally placing others in fear of injury, malicious damage to property of others or the use of profane or obscene language.

(a) An administrative head shall suspend a student in accordance with the procedure in Section III whenever the student has been found to be in possession of dangerous or illegal weapons.

(b) An administrative head shall suspend a student in accordance with the procedure in Section III whenever the student has been found to be in possession of a mind-disturbing, contraband, and unauthorized drug, alcoholic or not, or found to be under the influence of a mind-disturbing, contraband, and unauthorized drug.

(c) Notwithstanding any other provision hereof, in cases involving serious injury to others or intentionally placing others in fear of serious injury, the pupil shall be suspended* and the suspension shall remain in effect until the earliest following events occurs:

(1) a decision to reinstate is made at or above the level of assistant superintendent in accordance with the procedures in Article III.

(2) a court has acquitted the pupil or otherwise determined the pupil is not guilty of causing such injury or fear thereof, or

(3) such suspension has lasted for a period of twenty** school days without a decision having been made in accordance with the procedures in Article III.

* This would have the effect of removing discretion at the level of the principal or head master.

** Twenty days would probably be the outer limit of legality. Use of a shorter period of time would be preferable from the point of view of due process.

(7) The administrative head shall notify police authorities when a pupil, while under school jurisdiction, commits any of the following offenses, or performs other criminal acts: possession or illegal use of dangerous weapons or other objects used contrary to law, drugs or narcotics, alcoholic beverages, fireworks, pornographic or obscene materials, intimidation or extortion, theft, attempted arson, bomb scares, false alarms, assault and/or battery, trespassing, disturbing a school, or immoral acts.

(8) The administrative head may recommend to the School Committee that a student be excluded from the school system when the pupil has been engaged in persistent misconduct of a serious nature and disruptive behavior over a substantial period of time and has not responded to disciplinary action taken against him.

III. Procedures for transfers and suspensions

(1) Initial suspensions and conference with parent.

(a) Whenever an administrative head decides to suspend or transfer a pupil for disciplinary reasons, he may suspend the pupil for up to three school days if the pupil is under 16 and up to five school days if the pupil is over 16 years of age. In such cases the administrator shall forthwith request the attendance of such suspended pupil and the parent or guardian of such suspended pupil at his office for the purpose of consultation and adjustment. Within the initial period of suspension the administrative head may reinstate the pupil or, after the conference with the parent or guardian, he may refuse to do so. Within said period he may transfer a pupil with the consent of the pupil and his parent or guardian.

(2) Reference of the matter to the assistant superintendent.

(a) If the pupil is neither reinstated within three school days of his original suspension if he is under 16 or within five school days if he is over 16, nor transferred within said period, then the matter

shall be referred in writing by the administrative head to the assistant superintendent for the district in which the school is located. The pupil and his parent or guardian shall be notified in writing by the administrative head of their right of appeal and to a hearing before the assistant superintendent and they shall be given his name, address and telephone number.

(3) Hearing

Upon request of the pupil so suspended or his parent or guardian, said assistant superintendent shall hold a hearing in the matter which shall be conducted as follows:

- (a) Reasonable notice of the hearing shall be accorded all parties and shall include statements of the time and place of the hearing. Parties shall have sufficient notice of the facts and issues involved (including a statement of the alleged misconduct and proposed disciplinary action) to afford them reasonable opportunity to prepare and present evidence and argument.
- (b) All parties shall have the right to call and examine witnesses, to introduce exhibits, to question witnesses who testify and to submit rebuttal evidence.
- (c) The assistant superintendent is not required to observe the rules of evidence observed by courts, but evidence may be admitted and given probative effect only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.
- (d) A student shall have the right to be represented by his parent or guardian and/or counsel if the student so chooses.
- (e) The decision of the assistant superintendent shall be based solely upon the evidence presented at the hearing and shall be in writing.

(f) Any party shall, of his own expense, have the right to record or have transcribed the proceeding before the assistant superintendent.

(4) Decision

The assistant superintendent shall reach a decision in the matter within six school days of the original suspension if the pupil is under 16, or within ten school days of the original suspension if the pupil is over 16. A copy of the decision shall be delivered or mailed to the administrative head, to the pupil and his parent or guardian with notification of their right to request that the superintendent review the decision. In the event that the decision is not made within the requisite period of time, and the delay is not due to failure to appear or other inaction on the part of the pupil or his parent or guardian, the pupil shall be reinstated pending the decision.

(5) Review by superintendent

The administrative head or the pupil so suspended or his parent or guardian may request that the superintendent review the decision of the assistant superintendent and, if such a request is made, the superintendent may, if he so elects, grant a hearing in the matter.

(6) Review by School Committee

If such case is not settled by the superintendent within five additional school days, the administrative head or the pupil so suspended or his parent or guardian may request that the School Committee review the matter and the School Committee may hold a hearing if it so elects.

(7) Temporary reinstatement

In the event of appeal by the administrative head to the superintendent or the School Committee, pending decision in the matter by the superintendent or the School Committee, the pupil shall be temporarily reinstated.

IV. Procedures for exclusions

Whenever an administrative head recommends exclusion, the matter is to be decided by the School Committee after a hearing to be held in accordance with the procedures for hearings in Section III.

V. Required reports

An administrative head is required to report to the superintendent, the associate superintendent at the proper level, the area assistant superintendent for the district in which the school is located, and to the police all cases of assault and/or battery on school personnel.

VI. Restitution

Following suspension for wilful defacement, damage, or destruction of school property, payment for defacement, damage or destruction shall be demanded. Terms of payment will be established at the discretion of the administrative head.

VII. Teacher and pupil appeals

(1) Any teacher who is not satisfied with the action taken by the administrative head in a disciplinary case may appeal the decision in writing to the assistant superintendent, associate superintendent, superintendent, and School Committee in proper order.

(2) Any pupil or any parent or guardian of any pupil against whom disciplinary action is taken who believes that such action is unlawful or in violation of these rules may so indicate in writing to the administrative head and the assistant superintendent who shall investigate the matter.

VIII. Handicapped Pupils

None of the procedures in the Code of Discipline shall apply to action taken to exclude children because of their physical or mental condition or under Regulations of the State Department of Edu-

cation relating to exclusion from school in certain circumstances of emotionally disturbed or mentally retarded children. The parent or guardian of any such child shall be notified in writing in advance of exclusion of the reasons for the proposed action. Such parent or guardian shall also be notified of the right, upon request, to a hearing with regard to the exclusion before the Associate Superintendent for Special Services or his or her designee. Any such hearing, however, shall be in conformity with requirements for hearings in Section III (3). When the best interest of the child or the school requires, a student may be suspended for up to ten school days pending the hearing and decision.

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